HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 669 (S/B) 2002

Jai Prakash Raturi S/o Sri Radhey Shyam,
Granulator Operator in the office of,
Executive Engineer, Constructor Division,
P.W.D. Purola, Uttarkashi. ...Petitioner

Vs.

1. State of Uttaranchal, Department through its,
   Secretary, P.W.D. Uttaranchal, Dehradun,
2. Chief Engineer, P.W.D.
   State of Uttaranchal, Dehradun,
3. Superintendent Engineer, XIIIth Circle,
   P.W.D., Uttarkashi,
4. Executive Engineer, Construction Division,
   P.W.D., Purola Uttarkashi, ...Respondents

Sri H.M. Raturi, learned counsel for the petitioner.
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri H.M. Raturi, learned counsel for the petitioner and learned Standing Counsel for the State.

Both the parties are agreed that the writ petition may be decided at this stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus commanding the respondents to regularise his services on the post of Granulator Operator.

Contention of the petitioner is that he was appointed under work-charge establishment of Executive Engineer (Construction Division) Purola, Uttarkashi in the year 1987 on the post of Granulator Operator. For the last so many years he is working as Roller Driver and is continuing as such.

The respondents have filed counter affidavit in which they have stated that there is no post of Granulator Operator with

the regular establishment and, as such, the petitioner cannot be regularised on the post of Granulator Operator.

Since the petitioner is working on the post of Roller Driver for the last so many years with the establishment and the Superintendent Engineer XIIIth Circle, P.W.D. Uttarkashi has also recommended the case of the petitioner to the Chief Engineer, Public Works Department, Pauri Garhwal to promote the petitioner on the post of Roller Driver, in view of the fact that the petitioner is already working on the post of Roller Driver prior to 2001. But the Chief Engineer did not take any action on the recommendations made by the Superintendent Engineer vide its letter dated 19.07.2001.

The writ petition is finally disposed of with a direction to the respondent no.2 to take decision on the recommendations made on 19.07.2001 by the Superintendent Engineer regarding promotion of the petition on the post of Roller Driver within a period of four weeks from the date of production of a certified copy of this order.

(M.M. Ghildiyal, J.)

December 21, 2004:
NCM: